

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

<p>PATRICIA TANNER, et al., Plaintiffs,</p> <p>vs.</p> <p>HEATH JOHNSTON, et al., Defendants.</p>	<p>MEMORANDUM DECISION AND ORDER GRANTING MOTION FOR EXTENSION OF TIME TO FILE ANSWER AND DENYING MOTION FOR ENTRY OF DEFAULT AS MOOT</p> <p>Case No. 2:11-CV-28 TS</p>
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Rule 6(b)(1)(A) allows the Court for good cause to extend the time to file if a request is made “before the original time or its extension expires.”¹ Answers in this case were originally due on March 8, 2011. The parties agreed to extend the time to file an Answer until May 2, 2011. On May 2, 2011, before the expiration of the extended time, Defendants filed the present Motion for an extension of time seeking an additional two-week extension to prepare and file an Answer. Defendants explain that they had not yet prepared their answer because they had focused their efforts during the previously allowed extension on settlement negotiations. Plaintiffs responded with a Motion for Entry of a Default Judgment

¹Fed. R. Civ. P. 6(b)(1)(A).

arguing that no further extension should be given because they had agreed to “generous and repeated extension of time” during the parties’ settlement negotiations. Plaintiffs subsequently filed a Response to the Motion to Extend Time amplifying on their theme.


The Court finds good cause to extend the time to file an answer. Plaintiffs do not dispute that the parties’ previously agreed extension was for the mutually agreed purpose of conducting settlement talks. The extension sought is brief—two weeks—and the proposed Answer was filed within that period. Plaintiffs also argue that any passage of time decreases their chances of recovery but do not show specific likelihood of prejudice. Further, since the filing of the Motion to Amend, the Plaintiffs have themselves taken action—filing an Amended Complaint that adds a party— that will result in more delay than the two-week extension requested by Defendants. It is therefore

ORDERED that Defendants’ Motion for Extension of Time to File Answer (Docket No. 9) is GRANTED and the answer of Defendants Heath Johnston, Timothy Ross, Craig Lewis, Summit Development & Management, and Justin Johnson filed by May 16, 2011, is timely. It is further

ORDERED that Plaintiffs’ Motion for Entry of Default (Docket No. 10) is DENIED as moot.

DATED May 23, 2011.

BY THE COURT:



TED STEWART
United States District Judge